

EXHIBIT R



ALAN WILSON
ATTORNEY GENERAL

August 12, 2019

Colonel Daniel Hibner
U.S. Army Corps of Engineers
Savannah District
100 West Oglethorpe Avenue
Savannah, Georgia 31401

Dear Colonel Hibner:

On behalf of the State of South Carolina, and particularly the South Carolina Department of Health & Environmental Control (“DHEC”), I am writing to inquire about the status of your Section 401 Certification request submittal for the New Savannah Bluff Lock and Dam Project (the “NSBLD Project”). As you are aware, the NSBLD Project will take place in part in South Carolina waters and on South Carolina’s riverbed, thus necessitating a Construction in Navigable Waters Permit under South Carolina law. S.C. Code Ann. Regs. 19-450. Moreover, the NSBLD Project will, as proposed, alter the river flow and impact the pool level in the fixed crest weir, which triggers the need for a 401 Certification. As DHEC is the state agency with regulatory authority and jurisdiction over the NSBLD Project, the requisite 401 Certification request must be submitted to the Department for its review before the project can move forward.

I would further like to inquire as to whether the Corps is considering moving forward with an alternative other than the draft environmental assessment’s proposed preferred alternative (2-6d) or some variation as alternative 2-6d has been roundly criticized by business, industry, and other stakeholders and would not maintain the existing pool elevation—a serious concern for the State of South Carolina.

Please feel free to contact me or my outside counsel (Randy Lowell of Willoughby & Hoefer, P.A.) if you have any questions or concerns regarding the above requests. Thank you.

Sincerely,

Alan Wilson